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position by means of the clamping element (270), characterised in that the clamping element is wedge shaped having a receiving part and is received in its receiving part in a (positive-fitting manner.)

REMARKS

The Office Action dated November 29, 2001, has been carefully reviewed in light of the Examiner's helpful comments and suggestions.

As an initial matter, it appears that the Examiner has examined and issued the Office Action based on the original specification and claims, where in fact this application was amended during the International Examination and a translated copy of the amended specification and claims were submitted along with the original application papers with a marking of "Amended page" on the bottom of each page.

To expedite the matters, Applicants hereby resubmit the translated amended specification and claims, which were done during the International Examination. It is submitted that the application now contains claims 1-39, and the first eight (8) pages of the original specification were replaced with the eight (8) pages marked "Amended page."

As a result of the Office Action, an objection was raised in connection with the specification for not containing proper

section headings and an abstract of the disclosure. By the above amendment, proper section headings have been added to the specification and an abstract of the disclosure is submitted herewith.

Moreover, claims 10, 14, 17, 22, and 24-40 were objected to under 37 C.F.R. 1.75(c) as being in improper multiple dependent form. Applicants assert that the Preliminary Amendment filed with application on July 5, 2000, removed the multiple dependencies from the internationally amended claims, and upon care review of the claims, Applicants submit that the claims are now in proper form.

Further, claims 1-9, 11-13, 15, 16, 18-21, and 23 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Most of those Section 112, second paragraph issues were addressed by the amendments to the claims during the International Examination, and the remaining rejections have been addressed by the above amendment. All pending claims are believed to be in compliance with the requirements of Section 112, second paragraph.

Claims 1-9, 11-13, 15, 16, 18-21, and 23 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ortlieb. This reference has been carefully reviewed but is not believed to show or suggest Applicant's claimed invention in any manner. Reconsideration and allowance of the pending claims is

therefore respectfully requested in view of the following remarks.

Ortlieb discloses a tool holder 16 which is pivotally connected to a base member 10 for relative rotation about a predetermined axis of rotation. The tool holder is forced to pivot around a pivotal axis until pin 40 is engaged and the tool is in machining position. Therefore, the cutting tool is not clamped, but is movable in the region of screws 48, 57 and is limited in its motion by stop pin 40. The cutting insert is fixedly positioned in the base member 10 by means of centering screw 30. No curvature forming a pivot is provided, but instead an adjustable stop is provided. Therefore, it is respectfully submitted that claim 1 is distinguishable over the prior art.

Claims 1-16 are dependent from claim 1 and are therefore allowable for the same reasons as claim 1.

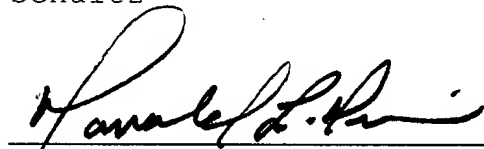
Claim 17, and dependent claims 18-39, are also allowable for the same reasons provided hereinabove in connection with claim 1.

The prior art references made of record by the Examiner have each been considered but are not believed to obviate against the allowability of the claims as amended. It is noted that none of these references have been specifically applied by the Examiner against any of the original claims.

Each issue raised in the Office Action dated November 29, 2001, has been addressed and it is believed that claims 1-39 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Respectfully submitted,
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